

REMARKS

A clean copy of the amended Abstract filed with the November 11, 2005 Amendment is attached in response to the inappropriate November 22, 2005 Notice of Non-Compliant Amendment. Applicants respectfully submit that the Amendment filed on November 15, 2005, is in compliance with 37 C.F.R. §1.121 and request it be entered, except to amendment of the Abstract, prior to entry of this reply which addressed the Abstract.

Although Applicants provide a new Abstract in clean text, it is respectfully submitted that such is not required by any provision of Title 37, the Code of Federal Regulations. Section 1.121 speaks in the manner of making amendments in applications. Specifically, when amending the specification, which does include the Abstract, the section requires the full text of any replacement paragraph have markings to show all of the changes relative to the previous version of the paragraph. Further, if the amendment is made by replacement section, the replacement section should add markings to show all changes relative to the previous version of the section. Nowhere is there a requirement to provide a clean copy. The Amendment filed November 15, 2005 was in full compliance with 37 C.F.R. §1.121(b)(1)(ii) and (2)(ii).

Although Applicants have tried to be responsive to the Notice of Non-Compliance by providing in the Amendments to the Specification section a marked-up copy of the Abstract and then providing as an attachment a clean copy thereof, such is outside the scope of 37 C.F.R. Further, such is improper in that any amendments to an Abstract must comply with the requirement that an Abstract be presented on a separate page.

Further, Applicants submit that responding to this action should not be held against Applicants and should not affect the patent term extension that was available to Applicants prior to issuance of the improper Notice of Non-Compliance. As Applicants have acted

timely and properly in all cases, this requirement for a subsequent submission should not count against Applicants' patent term extension.

Should the Patent Office believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:KPG/tea

Attachment:
Clean copy of the amended Abstract

Date: December 1, 2005

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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